

CHAPTER: XIX APPEALS & HEARINGS	SECTION: 4 DISPLACED WORKERS	COMAR: 07.03.03.17
-----------------------------------------------	----------------------------------------	------------------------------

REQUIREMENTS

- A. An employer cannot terminate or lay off (displace) a regular employee in order to fill the vacancy with a TCA subsidized customer
- B. A TCA customer may not be employed or assigned in a work activity funded in whole or in part with federal funds or with State funds which results in the displacement of an employee
- C. Maryland Executive Order 01.01.1997.03 includes the following actions as displacement:
 - 1. The employer terminated the employment of an employee, the employee's current position, or otherwise caused an involuntary reduction in its work force
 - 2. The employer hired an individual for the same or substantially equivalent position while another is on layoff, including seasonal layoffs
 - 3. The employer reduced the hours of any employee in the same or substantially equivalent position to less than full-time, or
 - 4. Such employment or assignment resulted in the impairment of an existing contract for services
- D. Maryland Executive Order 01.01.1997.03 includes the following work activities for TCA adults as being subsidized:
 - 1. Subsidized Private Sector Employment
 - 2. Subsidized Public Sector Employment
 - 3. Work Experience
 - 4. On-the-Job Training
 - 5. Community Service

CHAPTER: XIX APPEALS & HEARINGS	SECTION: 4 DISPLACED WORKERS	COMAR: 07.03.03.17
-----------------------------------------------	----------------------------------------	------------------------------

- E Any employee who feels his/her unemployment was caused by an inadvertent displacement may initiate grievance procedures by:
1. Presenting the complaint to the local department, in writing, no later than 30 calendar days after the:
 - Alleged cause of the complaint, or
 - Employee became aware of the alleged inadvertent displacement
 2. Providing information to the local department to support the allegation that he/she was displaced

PROCEDURES

- A. The local department must develop procedures for resolving grievances alleging displacement that includes:
1. Scheduling a conference with the employee, or with the employee and the employer, within 10 calendar days after receiving the complaint
 2. Making a determination regarding the displacement within 15 calendar days from the date of the conference
 3. Sending written notice to the employee and the employer of the local department's decision including:
 - Information regarding their right, if they disagree with the decision, to request a conference before the Welfare Displacement Review Panel comprised of:
 - a. Two representatives from the Department of Human Resources (DHR)
 - b. One representative from the Department of Labor, Licensing, and Regulation (DLLR), and
 - c. Two public representatives appointed by the Secretary of Human Resources

CHAPTER: XIX APPEALS & HEARINGS	SECTION: 4 DISPLACED WORKERS	COMAR: 07.03.03.17
-----------------------------------------------	----------------------------------------	------------------------------

- B. If the employee or the employer wants a conference before the Welfare Displacement Review Panel:
1. That individual must submit the request to FIA within 15 days after the date of the local department decision
 2. FIA notifies the local department upon receipt of the request
 3. The local department sends FIA a copy of the decision and all other pertinent information
- C. The Welfare Displacement Review Panel must:
1. Hold a conference with the employee and the employer within 30 calendar days of the date FIA received the request
 2. Issue a written decision to the employee and the employer within 30 days after the conference that either:
 - Upholds
 - Reverses, or
 - Modifies the local department decision
 3. Inform the employee and the employer that if either disagrees with the Welfare Displacement Review Panel's decision, each has a right to request a fair hearing in the same manner that a customer would request a fair hearing to the Office of Administrative Hearings (OAH)

ADDITIONAL INFORMATION

- Work and Education - Basic
- Work and Education - Displacement and Grievance Procedures
- Appeals and Hearings - Appeal Request
- Appeals and Hearings - Office of Administrative Hearings